

REMARKS

Claims 1-7 are pending in this application. Claims 1-4 and 7 are withdrawn from consideration. Applicant has amended claim 5. No new matter has been added.

The Examiner rejected claim 5 under 35 USC 102(b) as being anticipated by Shen U.S. Patent No. 5,363,969 and claims 5 and 6 under 35 USC 103(a) over the combination of Wu U.S. Patent No. 5,878,878 and Shen. Applicant respectfully traverses these rejections with respect to claim 5, as amended.

Amended claim 5 recites a cosmetic container comprising a container section, a lid section for opening and closing the cosmetic container, a replaceable cover replaceably attached on, and covering, the lid section, a through-hole formed in the lid section so as to extend toward the replaceable cover, an engaging member formed to protrude into the through-hole, a handle formed in the replaceable cover and extending through the through-hole to be exposed in the lid section, and a coacting member formed on the handle and releasably engaging the engaging member.

A similar combination of elements, as defined by the amended claim, is neither disclosed nor suggested in Shen or Wu, viewed alone or in combination. Shen's fastening groove 132 is an aperture formed in notch 133. That is not the claimed invention, and Wu does not overcome this deficiency. Thus, claim 5 should be allowed. This logic also disposes of the rejection of claim 6, which depends from claim 5.

Applicant notes the provisional rejections of claims 5 and 6 for obviousness-type double patenting over claims 1 and 2 in copending U.S. Application No. 10/758,594 and claim 5 over claims 1-3 in copending U.S. Application No. 10/687,978. Due to the provisional nature of these rejections, applicant is not obliged to respond to the merits of the rejections at this time.

Early action allowing claims 5 and 6 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **371312001900**.

Respectfully submitted,

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